# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/548,235 | 04/12/2000 | Thomas Mark Levergood | 3057.0020002 | 6069 |

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| EXAMINER |
|---|
| WINDER, PATRICE L |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/548,235 | LEVERGOOD ET AL. |
| | Examiner | Art Unit | |
| | PATRICE WINDER | 2452 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) ☒ Responsive to communication(s) filed on *1-20-2012*.

2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) ☒ Claim(s) *1,13,14,17-22,35-39,64 and 67-80* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,13,14,17-22,35-39,64 and 67-80* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

### Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

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**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

**DETAILED ACTION**

*Interview Summary*

The examiner acknowledges applicant's summary of the March 17, 2011 interview. The

examiner can't find her notes and therefore hadn't been able to generate an interview

summary. The examiner apologizes.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed
or described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made
to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was
made.

Claims 1, 13-14, 17-22, 35-39, 64, 67-80 are  rejected under 35 U.S.C. 103(a) as

being unpatentable over Ferguson et al., USPN 5,819,092 (hereafter referred to as

Ferguson) in view of James E. Pitkow, Integrating Bottom-Up and Top-Down Analysis

For Intelligent Hypertext (hereafter referred to as Pitkow).

Regarding claims 1, 64, Ferguson taught a computer-implemented method

(system) (column 18, lines 30-39), comprising:

producing, by a computing device, an access history profile by filtering one or

more transaction logs originating from one or more server to select transactions that

identifies a series of related request made by a client to the one or more servers
(column 35, lines 46-55);

determining link traversals from an advertising page to a product page (column
28, lines 58-59, 64-65) by evaluating the access history profile (column 37, lines 44-52);
and

determining accesses to product page resulting from the link traversals to the
product page; and (column 31, lines 22-25);

determining an amount to charge a merchant for advertising based said
determined accesses to the product page (column 31, lines 8-12); a particular link
traversal to the product page, or on the number of sales resulting from a path
advertising page (column 22, lines 25-38; column 31, lines 8-12). Ferguson does not
specifically teach transactions associated with a session identifier. However, Pitkow
taught transactions associated with a session identifier that identifies a series of related
request made by a client to the one or more servers ("Results" section, pages 2-3). It
would have been obvious to one of ordinary skill in the art at the time the invention was
made that incorporating Pitkow's associated with a session identifier in Ferguson's
access history's would have improved transaction analysis. The motivation would have
been to provide more detailed information per user.

Regarding dependent claim 13, Ferguson taught recording the link traversals in a
transaction log (column 37, line 61-65).

Regarding dependent claim 14, Ferguson taught the one or more transaction
logs are stored on a server (column 37, lines 53-60).

Regarding dependent claim 17, Ferguson taught monitoring the frequency and duration of access to the page (column 36, lines 63-67; column 37, lines 23-27).

Regarding dependent claim 18, Ferguson taught recording the frequency and duration of access to the page in a transaction log stored on a server (column 37, lines 61-67).

Regarding dependent claim 19, Ferguson taught counting accesses to the page exclusive of repeated requests from a common client (column 37, lines 66-67).

Regarding dependent claim 20, Ferguson taught wherein the counting is performed by the server (column 37, lines 53-60).

Regarding dependent claim 21, Ferguson taught counting the frequency of accesses to the page (column 37, lines 65-67);

measuring the time intervals between repeated accesses from a common client (column 37, lines 16-22, 67); and excluding the counting of those accesses that fall within a defined period of time (column 38, lines 3-4).

Regarding dependent claim 22, Ferguson taught the counting is performed by the server (column 37, lines 53-60).

Regarding dependent claim 35, Ferguson taught recording the frequency and duration of access to the page by keeping a history of each client access to the page in a transaction log (column 36, lines 63-67; column 37, lines 23-27);

producing an access history from the transaction log (column 37, lines 44-52);

wherein the access history is produced from filtering transaction logs from one or more servers to select only transaction involving a particular user ID (column 35, lines 49-52; column 36, lines 63-67);

producing marketing feedback based on the access history (column 34, lines 10-16; column 37, lines 6-14).

Regarding dependent claim 36, Ferguson taught the marketing feedback is selected from the group consisting of: user demand, access pattern, and relationships between customer demographics and accessed pages and access patterns (column 37, lines 6-14).

Regarding dependent claim 37, Ferguson taught evaluating the transaction log to identify the most popular links to the page (column 38, lines 1-4).

Regarding dependent claim 38, Ferguson taught inserting a new link to provide more direct access to the page (column 18, lines 40-49; column 38, lines 5-10).

Regarding dependent claim 39, Ferguson taught the new link is inserted in a location based upon information contained in the transaction log (column 38, lines 5-10).

Regarding claims 67, Ferguson taught a computer-implemented method (column 18, lines 30-39), comprising:

determining, by a computing device, link traversals from an advertising page to a product page (column 28, lines 58-59, 64-65) by evaluating the access history profile including information that identifies a series of related request made by a client to the one or more server and exchanged between the client and one or more server, wherein

the transaction logs originate from the one or more servers (column 37, lines 44-52); and

determining accesses to product page resulting from the link traversals to the product page; and (column 31, lines 22-25);

determining an amount to charge for a merchant for advertising based said determined accesses to the product page (column 31, lines 8-12); a particular link traversal to the product page, or on the number of sales resulting from a path advertising page (column 22, lines 25-38; column 31, lines 8-12). Ferguson taught a user identifier associated with transactions and exchanged between a client and server (column 35, lines 46-55). Ferguson does not specifically teach session identifier information. However, Pitkow taught session identifier information ("Results" section, pages 2-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Pitkow's session identifier information in Ferguson's access history's would have improved transaction analysis. The motivation would have been to provide more detailed information per user.

Regarding dependent claim 68, Ferguson taught recording the link traversals in a one or more transaction logs (column 37, line 61-65).

Regarding dependent claim 69, Ferguson taught the one or more transaction logs are stored on a server (column 37, lines 53-60).

Regarding dependent claim 70, Ferguson taught monitoring the frequency and duration of access to the product page (column 36, lines 63-67; column 37, lines 23-27).

Regarding dependent claim 71, Ferguson taught recording the frequency and duration of access to the product page in a transaction log stored on a server (column 37, lines 61-67).

Regarding dependent claim 72, Ferguson taught counting accesses to the product page exclusive of repeated requests from a common client (column 37, lines 66-67).

Regarding dependent claim 73, Ferguson taught wherein the counting is performed by the server (column 37, lines 53-60).

Regarding dependent claim 74, Ferguson taught counting the frequency of accesses to the page (column 37, lines 65-67);

measuring the time intervals between repeated accesses from a common client (column 37, lines 16-22, 67); and

excluding the counting of those accesses that fall within a defined period of time (column 38, lines 3-4).

Regarding dependent claim 75, Ferguson taught wherein the counting is performed by the server (column 37, lines 53-60).

Regarding dependent claim 76, Ferguson taught recording the frequency and duration of access to the page by keeping a history of each client access to the page in a transaction log (column 36, lines 63-67; column 37, lines 23-27);

producing an access history from the transaction log (column 37, lines 44-52);

wherein the access history is produced from filtering transaction logs from one or more servers to select only transaction involving a particular user ID (column 35, lines 49-52; column 36, lines 63-67);

providing marketing feedback based on the access history (column 34, lines 10-16; column 37, lines 6-14).

Regarding dependent claim 77, Ferguson taught the marketing feedback is selected from the group consisting of: user demand, access pattern, and relationships between customer demographics and accessed pages and access patterns (column 37, lines 6-14).

Regarding dependent claim 78, Ferguson taught evaluating the transaction log to identify the most popular links to the product page (column 38, lines 1-4).

Regarding dependent claim 79, Ferguson taught inserting a new link to provide more direct access to the page (column 18, lines 40-49; column 38, lines 5-10).

Regarding dependent claim 80, Ferguson taught the new link is inserted in a location upon information contained in the transaction log (column 38, lines 5-10).

### *Response to Arguments*

Applicant's arguments with respect to claims 1, 13-14, 17-22, 35-39, 64, 67-80 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

As per applicant's specification the meaning of "session identifier" is exemplary

not definitive. Therefore, in response to applicant's argument that the references fail to

show certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., "session identifier") are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims.  See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Applicant is allowed to be his own lexicographer, however, applicant was not the

first inventor to "coin the phrase" "session identifier". Please see the US Patents

provided in the attached PTO-892.

### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.  Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP

§ 706.07(a).  Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICE WINDER whose telephone number is (571)272-3935. The examiner can normally be reached on Monday-Friday, 12:00 pm - 8:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu V. Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/Patrice L Winder/

Primary Examiner, Art Unit 2452